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ORGANIZATION OF THE WORK OF THE SESSION

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Coordination meeting on the human rights situation in the Great Lakes region

Note by the High Commissioner for Human Rights

1. On 18 and 19 January 1996, a coordination and consultation meeting of the three Special Rapporteurs on Burundi, Rwanda and Zaire, was held in Geneva. The meeting was convened by the High Commissioner for Human Rights, in accordance with the recommendations made by the three Special Rapporteurs and the Special Rapporteur on extrajudicial, summary or arbitrary executions to establish increased coordination of their activities in the light of the deterioration in the human rights situation in the Great Lakes region.

2. The High Commissioner for Human Rights has the honour to transmit the report of that meeting to the members of the Commission on Human Rights.

ANNEX

Report of the first meeting of the Special Rapporteurs of the Commission on Human Rights on the human rights situation in Burundi, Rwanda and Zaire

Geneva, 18-19 January 1996

Chairman/Rapporteur: R. Degni-Ségui

Introduction

1. The situation in the Great Lakes region is characterized by the absence of democracy, by regional and ethnic divisions, and by political-military conflicts with strong ethnic overtones that are causing mass exoduses, which in turn arouse xenophobic feelings in the countries receiving the refugees.

2. At this meeting, which was chaired by Mr. René Degni-Ségui (Chairman/Rapporteur), the following points were considered: the human rights situation in the three countries; the measures recommended at the national level by the three Rapporteurs; the incitement to racial hatred engaged in by the media; and the actions undertaken within the international community.

3. After having discussed these topics, the three Rapporteurs analysed the human rights situation in the three countries and the common features of the situation in the Great Lakes region, and made a number of recommendations.

I. THE HUMAN RIGHTS SITUATION IN THE THREE COUNTRIES

A. Burundi

4. In Burundi, the cohabitation of the two main political parties, the Burundi Democratic Front (FRODEBU) and the Union for National Progress (UPRONA), as established by the Government Convention of 10 September 1994, has been rendered impracticable by the Tutsi minority's effective retention of the exercise and control of the chief functions of the State (armed forces, justice and the Executive) and the marginalization of Parliament.

5. Since the attempted coup d'état of October 1993, Burundi has sunk into civil war and a climate of widespread violence and insecurity. On the one hand, the army, supported by extremist Tutsi militias, is engaging in countrywide ethnic cleansing, systematically driving the Hutus out of the towns; and on the other hand, Hutu "armed gangs" are attacking the armed forces and the Tutsi population. As a result, there have been huge population displacements, both within Burundi and to the neighbouring countries.

6. The Special Rapporteur sees in this situation a succession of deliberate genocidal acts. He emphasizes the absolute necessity of inducing the two main political forces in the country to assume their responsibilities, as defined in the Government Convention.

B. Rwanda

7. Before the genocide of 1994, the political situation was shaped by a continuing conflict between the Hutu and Tutsi ethnic groups. The conflict was characterized by the domination of the Hutu leaders and their refusal to share power with the Tutsis. Since 1990, this situation has been aggravated by the war between the Rwandan Patriotic Front (FPR) and the governmental armed forces. The resultant political tensions led to the genocide and massacres.

8. Since the genocide, the situation has been characterized by the following three features:

(a) No proceedings have been brought against the presumed perpetrators of the genocide, owing to the deficiencies of the judicial system;

(b) A renewed outbreak of human rights violations, such as illegal occupations of property, infringements of the right to life (notably reprisals), infringements of freedom of expression, and infringements of the right to security of person (arbitrary arrests and detentions, overcrowding of prisons); and

(c) The non-return of refugees.

9. The Special Rapporteur recommends that punishment should be imposed by the national courts and the International Tribunal for Rwanda for the acts of genocide and serious violations of international humanitarian law and human rights, this being a prerequisite for national reconciliation. He also recommends the cessation and punishment of the current violations of human rights. Lastly, he recommends that States should cooperate with the International Tribunal.

C. Zaire

10. The disappearance of State activities has led to the deterioration of the economic and social infrastructure (roads, school system, health, currency, etc.) and the emergence of political conflicts with ethnic and regional overtones. The machinery for repression, which is in the hands of the President of the Republic, is the only State force which exists in Zaire. Its members are primarily responsible for the numerous violations of human rights, in particular the right to security of person (arbitrary arrests and detentions), the right to life and physical integrity (rape of women), and the right to own property (looting).

11. In addition, the massive influx of refugees from Burundi and Rwanda has kindled the xenophobia which already existed among the population of the North and South-Kivu regions against the foreign peoples who have settled in Zaire following several waves of migration, originating primarily from Rwanda (particularly the Banyamulenge and the Banyarwanda).

12. The Special Rapporteur on Zaire has recommended, in particular, that the armed forces should no longer be subordinate to the Office of the President and that the relevant decisions of the Sovereign National Conference on democratic transition should be implemented.

II. COMMON ASPECTS OF THE HUMAN RIGHTS SITUATION IN THE GREAT LAKES REGION

13. The mass population movements, the illegal arms sales and the incitement to racial hatred by the media constitute the main characteristics common to the three countries of the Great Lakes region.

14. As has already been mentioned, the three countries are the scene of huge population displacements either within each country or, in the case of Rwanda and Burundi, to neighbouring countries (Tanzania and Zaire, in particular). The presence of these populations massed on the borders of the three countries is creating tension, heightened by military operations, which are themselves facilitated by illegal arms trafficking.

15. In this context of political-military conflict with strong ethnic overtones, the media are publishing or broadcasting a growing number of calls for inter-ethnic violence and attacks on representatives of the international community and the humanitarian organizations. This situation is continuing, while the authorities are failing to take the appropriate measures within their power to put an end to it. The Rapporteurs considered the question of personal security, and more particularly the security of the human rights observers operating in the field.

III. GENERAL CONCLUSIONS AND RECOMMENDATIONS CONCERNING THE GREAT LAKES REGION

16. The most important types of violation are the serious and massive infringements of the right to life, physical integrity and personal security and the right to own property. These violations are the direct consequence of conflicts related to the struggle for political and economic power. This struggle exploits pre-existing ethnic and regional divisions and is based on the mono-ethnic character of the armies of the three countries.

17. The Special Rapporteurs:

(a) Recommend, in order to overcome the situation described above:

(i) the establishment of the rule of law;

(ii) greater representation of the various components of the nation within the armed forces and effective supervision of the armed forces by the democratic institutions;

(iii) a national plan in each country for the reorganization of the administration and public services, supported by financial assistance from international institutions such as the World Bank;

(b) Recommend that the national judicial system of the three countries should function effectively and impartially in order to restore confidence among the population and, in particular, to promote the return of refugees and displaced persons to their homes;

(c) Emphatically stress the obligation on all the parties concerned scrupulously to observe the fundamental principles of non-refoulement and voluntary return;

(d) Recommend that within the refugee camps in Zaire the authorities should remove the bullies who are preventing the voluntary return of refugees;

(e) Energetically condemn the incitement to racial or ethnic hatred disseminated by the media in particular, and support the appeal, made by the Heads of State and delegations of the countries of the Great Lakes region in the Cairo Declaration of 29 November 1995, "forcefully condemning the ideology of ethnic and political genocide used in the rivalry for the conquest and monopoly of power";

(f) Recommend, as urged by the Commission on Human Rights, that the operations of the High Commissioner for Human Rights should be extended to the three countries of the region, and that the field observers participating in these operations should also be deployed in the three countries. They further recommend that these operations should receive appropriate financing from the United Nations. They consider that human rights must form an integral part of a global United Nations strategy and must not be used as a sop for the conscience of the international community;

(g) Express their desire to be kept informed of the activities of the United Nations International Commission of Inquiry into arms sales in the Great Lakes region;

(h) While welcoming the establishment of the International Commission of Inquiry on Burundi appointed by the Secretary-General, emphasize with concern, given the nature and extent of the task to be accomplished, the inadequacy of the human and material resources that have been granted to the Commission and draw attention to the lack of security surrounding its activities;

(i) Concerned about the human rights situation in the Great Lakes region, decide to increase their cooperation and to unite their efforts with a view to achieving an integrated approach to the common problems which exist in Burundi, Rwanda and Zaire;

(j) Express the wish that a coordination unit should be established within the Centre for Human Rights linking more closely the professional officers assigned to them under their mandates and promoting the exchange of information. They accordingly request the High Commissioner for Human Rights to instruct these officers to assist them full time and to appoint a coordinator;

(k) Express the desire to meet at least twice a year for consultations, an exchange of views and coordination of their activities, thereby putting to good use their consultations in Geneva;

(l) Also express their desire to participate in conferences, seminars, symposia and other activities relating to the Great Lakes region and relevant to their respective mandates.

18. Given the common, trans-frontier aspects of the human rights situation in the Great Lakes region, the Special Rapporteurs recommend to the Commission on Human Rights that it should adopt a global resolution on the region.